



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 25.9

Subject: Disciplinary Guidelines for Youth in DCS Group Homes

Supersedes: DCS 25.9, 01/01/04

Local Policy: No

Local Procedures: Yes

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

A handwritten signature in cursive script, reading "Linda P. Miller", is positioned to the right of the "Approved by:" label.

Effective date: 12/31/99

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Application

To All Department of Children's Services Employees and Youth at DCS Group Homes

Authority: TCA 37-5-106

Policy

Disciplinary guidelines imposed upon youth as a result of allegations of major violations substantiated by the hearing officer/discipline committee, must be in relation to the seriousness of the offense and relatively uniform in application throughout the system. The following procedures shall serve as disciplinary regulations governing juvenile rule violations.

Procedures

**A. Behavior not
subject to
disciplinary action**

Youth will not be subjected to any type of disciplinary action for the following behaviors:

1. Refusing to attend any form of religious service;
2. Refusing to consume any particular type of food or drink;
3. Refusing to take medications or accept medical care;
4. Any behavior which is identified by classification or the treatment team as a special medical or psychological problem over which the youth has no control; and

5. Refusing to address staff in a particular manner or merely displaying what might otherwise be perceived as a negative or hostile attitude. This does not preclude the discipline of youth who use obscene language in addressing staff or who verbally interfere with staff members' performance of duties. This does not preclude the instruction of the use of good manners.

**B. Impermissible
sanctions**

The following actions must never be imposed on youth as a disciplinary sanction:

1. Corporal punishment;
2. Physical restraint;
3. Psychological intimidation and/or degradation;
4. Denial of regular meals;
5. Denial of medical care;
6. Denial of sufficient sleep;
7. Denial of correspondence/minimum use of telephone;
8. Denial of sufficient daily exercise;
9. Denial of visitation;
10. Denial of contact with parents/legal guardians;
11. Denial of participation in educational opportunities;
12. Denial of legal assistance;
13. Arduous physical labor that has no useful function other than punishment or is required to be performed in an unreasonable manner. It is permissible to require chores or tasks that might ordinarily be performed by youth or staff members;
14. Use of stimulants, tranquilizers, or psychotropic drugs for control of behavior;
15. Room restriction; and

16. Mechanical restraints

**C. Imposing
sanctions**

1. The hearing officer/discipline committee may make recommendations to a youth's program staffing team, whether or not sanctions are imposed.
2. The following sanctions may be imposed by the hearing officer/discipline committee:
 - a) **Learning Experience**: The youth may be given assignments, usually in written form, to practice skills, define terms and explore related topics on the learning experience.
 - b) **Restitution**: Restitution may be imposed and paid from the youth's account or earnings, excluding Social Security and supplemental income/benefits, to compensate for such damages or losses.
 - c) **Restriction/Reduction of Privileges**: The hearing officer or discipline committee may use facility restriction as a sanction. Before facility restriction or privilege suspension is used as a sanction, the reason(s) for the restriction shall be discussed and the youth shall have the opportunity to explain the behavior. Any instances of privilege suspension and facility restriction shall be recorded, dated, and signed by staff. The record shall be reviewed and signed by a supervisory staff member daily.
 - d) **Work Details**: Specific job assignments may be made for completion of a task or a set length of time. The work detail must not require skill and/or intelligence beyond the youth's ability nor place the youth in a dangerous or hazardous environment.
 - e) **Loss of Status**: The hearing officer/discipline committee may alter a youth's earned points, incentive programs, etc. or may recommend behavioral contracts be developed and/or revised.

**D. Determining
sanctions**

1. When determining sanctions, the following factors must be considered:
 - a) The youth's needs;

- b) Whether the sanction will have a beneficial effect upon the youth;
 - c) The circumstances surrounding the present offense and degree of youth's involvement in the offense;
 - d) The youth's past behavioral history;
 - e) The effect, if any, the sanction may have on the general youth population.
- 3. When a youth has been found in violation of more than one infraction arising from a single incident, the maximum sanction must not exceed the maximum sanction for the most serious offense he/she is found to have committed.
 - 4. When a youth has been found in violation of more than one major infraction arising from separate incidents, the maximum penalty for each violation may be imposed and such sanctions must run consecutively.
 - 5. Each DCS group home will develop local procedures for informally resolving minor violations utilizing the categories specified in policy [25.8, Definitions of Disciplinary Offenses For DCS Group Homes](#). The determination of sanctions for minor violations must relate to the seriousness of the rule violation or youth's behavior.
 - 6. The list below indicates the maximum sanctions which may be imposed for major violation, when restriction/reduction of privileges is the sanction:

<u>OFFENSE</u>	<u>RESTRICTION/REDUCTION OF PRIVILEGES</u>
1. Aggravated battery	0- 6 weeks
2. Arson	0- 6 weeks
3. Assault	0- 3 weeks
4. Assault and battery	0- 6 weeks
5. Attempted escape	0- 3 weeks
6. Burglary	0- 4 weeks
7. Conspiracy	0- 2 weeks

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8. Damaging/destroying state property	0- 4 weeks
9. Escape	2- 6 weeks
10. Extortion	0- 6 weeks
11. Fighting	0- 3 weeks
12. Forgery	0- 3 weeks
13. Gambling	0- 3 weeks
14. Interfering with staff	0- 3 weeks
15. Participation in a riot	0- 6 weeks
16. Pass violation	0- 6 weeks
17. Possession of contraband	0- 3 weeks
18. Possession of a weapon	0- 6 weeks
19. Possession/Use of drugs	0- 6 weeks
20. Possession/Use of Inhalants/ Intoxicants	0- 3 weeks
21. Rape	0- 6 weeks
22. Receiving and Concealing	0- 3 weeks
23. Repeated Minor Violations	0- 3 weeks
24. Refusal to follow direct orders	0- 3 weeks
25. Selling inhalants/drugs/ intoxicants	0- 6 weeks
26. Sexual Battery	0- 3 weeks
27. Sexual Misconduct	0- 3 weeks
28. Stealing	0- 3 weeks
29. Threatening Staff	0- 3 weeks
30. Threatening Youths	0- 3 weeks
31. Use of obscene language	0-3 weeks
32. Other	0-3 weeks

E. Minor violation

1. Loss of privileges or work details: Shall not exceed

sanctions seventy-two (72) hours if the behavior in question is unrelated to the privilege being suspended and not to exceed fourteen (14) days if the behavior is related to the privilege being suspended. Examples of work details are:

- a) Dish washing
- b) Mopping floors
- c) Washing linen
- d) Washing van
- e) Mowing grass
- f) Straightening the pantry

2. The work detail shall not:

- a) Require skill and/or intelligence beyond the youth's ability;
- b) Place the youth in a dangerous or hazardous environment;
- c) Be demeaning to the youth;
- d) Exceed the youth's physical capability; and shall
- e) Serve a useful purpose for the program and/or its youth.

3. Learning experiences: The youth may be given an assignment, usually in written form, to practice skills, define terms, explore topics, extra study, etc. These sanctions can be effective if the assignment relates to the violation. Being consistent is important. Once assigned, staff must ensure completion by collecting finished work.

4. Time-out: Staff can use time-out in an attempt to keep the youth from continuing or escalating a problem behavior. It may be utilized for a period of time not to exceed one hour. This time shall be used by the youth to sit quietly alone and think about a particular behavior or attitude. A typical place for time-out is at the dining room table with the youth performing a quiet constructive activity or sitting quietly in a chair in a hallway. Standing quietly as a sanction shall not last more than fifteen (15) minutes.

F. Issuing minor

5. Any sanction for a minor violation shall be administered

sanctions	within twenty-four (24) hours of discovery of the behavior for which the sanction is being imposed. The staff member shall determine if the violation and situation warrants a sanction. Sometimes the act of calling the rule violation to the youth's attention may be sufficient to correct the behavior.
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6. Factors in determining a minor sanction:

- a) Staff should be consistent in upholding the facility rules.
- b) Make sure the youth understood the staff member's order.
- c) Once the violation is called to the youth's attention, staff must make a determination whether the youth needs further reinforcement of a sanction.
- d) If appropriate, the staff member then selects a fitting sanction. The staff member issues the sanction and explains to the youth the reason(s) for the sanction.

- 3. Documentation of minor sanctions:** The staff member issuing minor sanctions shall document the violation on form *CS-0303, Minor Violations Report*.

Forms

CS-0303 Minor Violations Report

Collateral Documents

None

Standards

ACA 3-JCRF-3C-01

DCS Practice Model Standard- 7-202A

DCS Practice Model Standard- 7-203A

DCS Practice Model Standard- 8-306